

# **Summary of Major Proposed Draft Provisions and Changes to the Zoning Ordinance**

August 8, 2005

## **Organization**

### **Article 1 Title, Purpose and Authority**

- Zoning Authority retained from former Article 1;
- Legislative Intent, Effective Date and several other such items moved to here from former Article 2 and from former Article 32.

### **Article 2 General Provisions**

- Various provisions such as Zoning of Annexed Territory, calculation of density, etc., moved to here from former Article 2.

### **Article 3 Zoning Districts and Map**

- Zoning Map and boundaries moved here from former Article 6;
- Former Commercial Limited (CL) and Commercial General (CG) Districts combined into one new Commercial (C) district;
- Former Industrial Limited (IL) and Industrial General (IG) Districts combined into one new Limited Industrial (LI) district;
- Mobile Home Park (MHP) District deleted;
- New overlay districts proposed earlier have been deleted from this latest draft (Historic Corridor District, Highway Corridor District and Residential Infill District).

### **Article 9 Supplemental Use Regulations [*new Article*]**

- Many provisions now scattered around the ordinance are consolidated here such as standards for Home Occupations and Home Businesses;
- various new provisions added such as standards for Bed and Breakfast operations and traditional neighborhood development provisions.
- Residential cluster provisions relocated from each district to Article 9-6, Supplemental Regulations.

### **Article 10 Site Development Plans**

- Site Plan requirements remain in the Zoning Ordinance (Article 10) instead of being relocated to the Subdivision Ordinance as proposed previously.

### **Article 11 Administration, Procedures and Enforcement**

- Combines old Articles 4, 27, 28, 29, 30, 31.

## **Article 12 Definitions**

- Formerly Article 3; many new definitions added.

### **Other Items Throughout the Ordinance:**

- State Code references are updated.
- Language simplified to the extent feasible (“shall” becomes “must”; use of the “passive voice” is reduced, tabular formats used for data where feasible, etc.).
- Special Exceptions and Special Use Permits defined as the same thing, as per the Code of Virginia. Thus, Town Council will act on Special Use Permits; BZA will act on variances and appeals.

## **Specific Changes**

### **Article 1 – Title, Purpose and Authority**

Two new purposes added to existing ones:

- 1.3.8. to provide for the preservation of lands of significance for the protection of the natural environment;
- 1.3.9. to promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated.

### **Article 2 – General Provisions**

- New Language added on general application, compliance required, exemptions, method of calculating density, provisions for “2232 review” in accord with Section 15.2-2232 of the Virginia Code, and method of interpreting zoning district boundaries.

### **Article 3 – Zoning Districts and Map**

- Intent sections of most districts were strengthened and clarified, especially to connect the intent of the districts to the comprehensive plan;
- new districts were added and combined as noted above;
- use lists were refined to improve compatibility within each district;
- density tables were simplified;
- bonus density concept was reduced and simplified;
- open space requirements were strengthened in residential districts, requiring small “greens” within each new subdivision;
- specific setback requirements were added for garages in residential districts;
- provisions were added to the CBD district to ensure that building heights are compatible and to encourage first floor retail uses and mixed-use structures;
- Traditional Neighborhood Development (TND) Option added to the PUD district.

- R-10 District: a maximum front setback of 30 feet was added to help create a well-defined streetscape;
- R-6 District: a maximum front setback of 30 feet was added to help create a well-defined streetscape and the minimum setback was reduced to 20 feet from 25 feet to provide flexibility;
- RT District: unit types simplified to only single family, two family and townhouse units. space requirements simplified;
- RMF District: maximum density reduced from 50 units per acre to 20 units per acre.
- *[Several changes are proposed to the official Zoning Map, shown separately]*

#### **Article 4 – Erosion and Sediment Control**

Provision added that requires development projects disturbing more than 2,000 square feet of land area to comply with the Erosion and Sediment Control regulations of this Article.

#### **Article 5 – Stormwater Management**

Intent section strengthened to link to comprehensive plan.

#### **Article 6 – Sign Regulations**

- Legislative Intent section is strengthened;
- Methods for Measuring Signs is strengthened and detailed;
- Provisions for sign illumination are expanded;
- References to “ground” signs are changed to either “monument” or “freestanding”, depending on the context;
- Maximum height of freestanding/pole signs is proposed to be reduced from 25 feet to 20 feet in most districts and from 30 feet to 20 feet for shopping centers, based on the concept of allowing such signs to be no higher than a normal second story roof/ceiling;
- Requirements/limitations for canopy signs are strengthened;
- Summary tables showing the sign requirements by district, for ease of use, are added; Application and permitting processes are refined and detailed;
- Sections on Construction, Maintenance and Removal as well as non-conforming signs are expanded and strengthened;
- Definitions of signs and mural added/strengthened (Article 11).
- Language has been added to clarify that the Town is not regulating the content of signs
- Political campaign signs are not limited in duration and allowed to be the same size as temporary real estate signs
- Comparative charts (summary tables) in section 6-2.2 have been included
- Period of discontinuation for non-conforming signs before removal is required was changed to the original 2 years, in accord with the limits imposed by the State Code.
- Several additional sign definitions have been added or amended to Article 11 (animated sign, flashing sign, off-premises sign, etc.)
- Provisions for shopping center signs, industrial park signs and monument signs in the commercial district have been refined

**Article 7 – Off-Street Parking and Loading**

- New provisions for parking in the CBD (credits and off-site); new standards for handicapped spaces; minor adjustments and additions to parking requirements for specific uses.

**Article 8 – Landscaping Requirements**

- List of suggested tree species is provided (alternative species may be used upon approval)
- A short list of unacceptable species is provided.
- Landscape buffer requirements added for the rear boundaries of residential areas abutting public rights of way.
- Provision for the Town to compile and maintain a register of heritage and specimen trees is added.
- Provisions for retention and replanting of trees to maintain a reasonable tree canopy are added.

**Article 9 - Supplemental Use Regulations**

- Various general existing requirements are consolidated into this section for easy reference, such as lighting, open space, cluster provisions, affordable dwelling unit provisions, etc.
- Various new general requirements are added, such as Bed & Breakfast standards, Home Occupation and Home Business standards, Traditional Neighborhood Development (TND) standards, etc.

**Article 11 - Administration, Procedures and Enforcement**

- Duties of the Zoning Administrator are specified;
- Powers and duties of the Board of Zoning Appeals (BZA) are specified;
- Procedures for application review, public hearing, zoning amendments, special use permits and the various permits are added and/or expanded;
- Procedure for “commission permit” or 2232 review is added;
- Requirements for non-conformities are expanded.

**Article 12 - Definitions**

- Many definitions, especially allowable uses, have been added.